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January 22, 2008

By Hand

Honorable Colleen McMahon
United States District Judge
United States Courthouse
500 Pearl Street, Room 735
New York, NY 10007-1312

Re: *SAGA FOREST CARRIERS INTERNATIONAL A.S. v. COSCO
INTERNATIONAL AIR AND SEA FREIGHT, UNION GLOBAL LTD and
LETOP FORWARDING INC.
07 Civ. 10276
Plaintiff's Request to File A Verified Second Amended Complaint*

1/22/08
Permission to file a
Second Amended complaint
is granted

Dear Honorable Madam:

We are attorneys for the Plaintiff, Saga Forest Carriers International A.S. in the above captioned matter. We are writing to request leave to file a Verified Second Amended Complaint in support of the issuance of an Amended Ex Parte Order in turn authorizing issuance of an Amended Process of Maritime Attachment and Garnishment in this matter.

Leave to File Second Amended Verified Complaint

Plaintiff seeks leave pursuant to Federal Rule of Civil Procedure 15(a) to file a Verified Second Amended Complaint in this action. For the reasons set forth below, the application should be granted.

Plaintiff filed its original Verified Complaint on November 13, 2007 alleging that Defendant COSCO breached the charter party that it entered into with the Plaintiff. Plaintiff filed a Verified Amended Complaint on January 17, 2008 naming additional defendants as a paying agents of Defendant COSCO, but did not attach copies of documentary evidence to the Complaint.

At this time, and at the request of the Court, we have now amended the complaint for a second time, and have attached copies of the documents that support Plaintiff's additional allegations within the Second Amended Complaint. In addition, based on this information, the amount of relief sought has been reduced.

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DATE FILED: <u>1/22/08</u>

These additional defendants who have been the only entities that have paid Plaintiff for amounts due and owing as a result of COSCO's breach of the charter party. As a result, these new Defendants are all proper parties. Unless the opposing party can show prejudice, bad faith, or undue delay, a court should grant leave to file an amended pleading. *Foman v. Davis*, 271 U.S. 178, 182, 83 S.Ct. 227, 230 (1962). Leave to amend should be freely given when justice so requires.

The Defendants will not be prejudiced by Plaintiff's Verified Second Amended Complaint because the Plaintiff is entitled to the remedy of ex-parte attachment and garnishment pursuant to Supplemental Rule B of the Federal Rules of Civil Procedure. Plaintiff's right to attach Defendant's funds in New York would remain unaffected by this change. *Id.* Moreover, Defendants will incur no additional expenses in defending against the Verified Second Amended Complaint, as nothing of substance would be changed, and no Defendant has filed a pleading responsive to the Verified Complaint, Verified Amended Complaint and/or the Verified Second Amended Complaint.

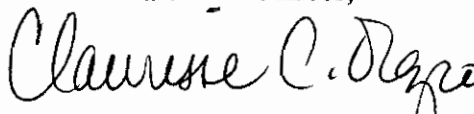
Plaintiff submits its proposed Verified Second Amended Complaint together with this letter motion.

None of the Defendants named in the Verified Second Amended Complaint have made further hire due and owing to the Plaintiff and they are, therefore, still in breach of the charter party. Plaintiff thus alleges to the Court in its proposed Verified Second Amended Complaint that it may now properly seek security on those claims pursuant to Supplemental Admiralty Rule B.

Plaintiff's Verified Second Amended Complaint will not prejudice the Defendants because they have not filed an Appearance or Answer, and, based on the allegations set out in Plaintiff's Verified Second Amended Complaint, Plaintiff is entitled to the remedy of attachment and garnishment pursuant to Supplemental Rule B of the Federal Rules of Civil Procedure. .

For all of the foregoing reasons, it is respectfully prayed that Plaintiff's request for leave to file a Verified Second Amended Complaint be granted. We are available to discuss this matter at any time convenient to the Court.

Respectfully submitted,
Tisdale Law Offices,



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